IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 2186 OF 2006
IN
SALES TAX APPLICATION NO. 5 OF 2006
IN
REFERENCE APPLICATION NO. 127 OF 2001

The Commissioner of Sales Tax ... Applicant
Maharashtra State, Mumbai.

V/s.

Virema Laminates Pvt. Ltd. ... Respondent

Mr. Vinay Sonpal, AGP for the applicant.
Mr. P.S. Jaitley for the respondent.

CORAM : H.L. GOKHALE &
V.R. KINGAONKAR,JJ.
DATED : 21st July, 2006

P.C.

. Heard Mr. Sonpal in support of Motion taken out for condonation of delay in filing the application for reference. The application points out that there is delay of 145 days in filing the same and which otherwise required to be filed within 90 days from the date of the order. The affidavit of the Dy. Commissioner of Sales Tax in support of motion gives reason that considerable time was required for analysing past record of the pending matters. Therefore, the delay was caused.

2. Mr. Jaitley appearing for the respondent

opposes the application, stating that the explanation cannot be said to be satisfied.

3. At the same time we have to note that public cause is involved in the application, which is filed and it should not be permitted to suffer assuming that there is not a very satisfactory explanation.

4. For the reasons stated above, we accept submissions in the affidavit in support of motion and grant this motion in terms of prayer clause (a). The delay will stand condoned.

[H.L. GOKHALE, J.]

[V.R. KINGAONKAR, J.]